

IV. Remarks

Claims 1-75 are pending in the current application. Applicants are grateful to the Examiner for recognizing the allowable subject matter in Claims 39-44, 46, 47, 56-58, 60, 61, 63 and 64. Reconsideration and withdrawal of the rejection of the remaining claims are respectfully requested in view of the foregoing amendments and following arguments.

A. Objections to the Specification

The Examiner objected to Paragraph 26 of the disclosure for including an embedded hyperlink. Paragraph 26 has been amended to remove the hyperlink.

The Examiner objected to the disclosure for including trademarks without capitalization or generic terminology. Paragraphs 9 and 11 have been amended to address these concerns.

The Examiner also objected to the disclosure for referring to a "PDA" as a "PDDA." Paragraph 11 has been amended to correct this typographical error.

B. Claim Objections

The Examiner objects to Claims 70 as referring to "model date" rather than "model data." Claim 70 has been amended to correct this typographical error.

C. Claim Rejection Under 35 U.S.C. § 101

The Action rejects Claims 1-35 and 70-75 as being directed to non-statutory subject matter. Specifically, the Examiner cites a two-prong test of (1) whether the invention is within the technological arts; and (2) whether the invention produces a useful, concrete and tangible result. The Examiner concedes that prong (2) of the test is met, but concludes that the invention is not within the technological arts. The Examiner provides no authority for this test.

Claim 1 and 70 have been amended to recite that the claims are directed to a "computer implemented method" of assisting in the development of an environment. Applicants submit,

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without conceding the correctness of the Examiner's conclusion, that Claims 1 and 70 as amended are clearly directed to the "technological arts." However, Applicants expressly reserve the right to pursue claims without this "computer implemented" feature. To that end, Applicants respectfully request that the Examiner provide a citation to her authority (e.g., MPEP or other public source) for the two-prong statutory subject matter test and her conclusion that Applicant's original method is not within the technological arts. 

D. Allowable Subject Matter

Applicants are grateful to the Examine for recognizing the allowable subject matter in Claims 39-44, 46, 47, 56-58, 60, 61, 63 and 64. Although the Office Action Summary indicates that Claim 75 is rejected, no rejection is provided in the Detailed Action. Claim 75 recites a feature similar to allowable Claim 39.

Claims 1 and 70 have been amended and it is submitted that the Section 101 rejection should be withdrawn. Claims 5, 6, 7, 11-14, 19-21, 30, and 75 all recites features that the Examiner has indicated are directed to allowable subject matter. Indication of the allowable subject matter of these claims is respectfully requested.

E. Rejection under 35 U.S.C. § 102

The Action rejects claims 1-3, 8-10, 15-17, 22-29, 31-38, 45, 48-55, 62, and 65-74 as being anticipated by Denison Consulting Leadership Development Surveys [online] <URL:http://www.denisonculture.com/leadership/lead_main.html>. Addressing independent Claim 1 as exemplary, Claim 1 is directed to a computer implemented method of assisting in the development of an environment. Evaluation data for an environment is received from at least one individual participating in the environment. The evaluation data represent the impressions of the individual regarding the environment. For example, in the classroom context, the environment or "classroom climate" represents the collective perceptions of students regarding the overall classroom learning environment. The climate provides information on students' perceptions of how it feels to be in a particular teacher's class. (Specification, Paragraph 27).

Model data are provided to an individual that is responsible for the environment (e.g., a teacher in a classroom environment) where the model data represent one or more dimensions of the environment. The model data are developed at least in part of the evaluation data. A dimension is a component of an environment that contributes to the environment. For example, in the classroom context, components may include clarity, order, participation, safety, etc. (Specification, Paragraph 35). Each dimension is associated with at least one characteristic of the individual (e.g., teacher) responsible for the environment. A "characteristic" is a pattern of behavior exhibited by individuals. Various characteristics and groups of characteristics, such as creation of trust, challenge and support, etc. (in the teacher context) contribute to respective dimensions of the overall environment. (Specification, Paragraph 28-33).

A selection of at least one of the dimensions is received from the individual responsible for the environment (e.g., the teacher). For example, a teacher may choose to work on or otherwise address a dimension of her classroom environment, such as the safety of the classroom. (Specification, Paragraph 60). An action plan is then provided to the individual for improving a characteristic associated with the selected environment. For example, if the teacher selected the "clarity" dimension for improvement, an action plan is provided to the teacher for improving his or her teacher characteristic(s) that contribute to that dimension of the classroom environment, for example the analytical thinking, conceptual thinking, initiative, management and/or passion teaching characteristics (Specification, FIG. 10).

Addressing the Denison reference relied upon by the Examiner, Denison does not appear to teach the step of receiving evaluation data for the environment from at least one individual participating in the environment where the evaluation data represents impression of the individual regarding the environment. In the rejection, the Examiner notes that Denison teaches use of a "survey." However, the "survey" appears to be directed to a manager's individual skills and practices, not the overall "climate" or "environment" as described above (and recited in the claims) that is potentially effected by those skills or practices. Indeed, the portion of Denison relied upon by the Examiner indicates that "[t]he 96 items in the Denison Leadership

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Development Survey measure specific aspects on an individual manager's leadership skills and practices, and benchmarks them to other leaders." Denison, Page 2.

Denison also does not teach the step of providing model data to the individual responsible for the environment where the model data represent one or more dimensions of the environment. According to Denison, the Summary Report is a collection of the data from the surveys. As noted above, the surveys are directed to elicit information on the individual's skills and practices, not the environment. It follows, that any model data provided by Denison does not represent one or more dimensions of the environment, but rather the skills and practices of the individual.

Further, Denison also does not teach the step of receiving from the individual responsible for the environment a selection of one or more dimensions of the environment. The Examiner identifies the "Summary Report" as the manner in which Denison receives a selection of the one or more dimensions of the environment from the individual. Although Denison is not clear as to how the Summary Report is used, it appears that the Summary Report, which is a collection of the data from the surveys, is provided to the individual being evaluated, not from the individual. Simply, nothing is received from the individual responsible for the environment via the Summary Report. Regardless, Denison does not provide a method where an environment is modeled by its individual dimensions. It follows that Denison does not receive a selection of at least one dimension of an environment being modeled.

Still further, although the Examiner indicates that Denison teaches providing an action plan for individual development, there is no indication that the action plan is directed to improving at least one characteristic of a "dimension" of an environment, and certainly not of a dimension "selected" by the individual as recited in Claim 1.

For at least these reasons, Claim 1 is not anticipated by Denison. Claims 2-35 depend from Claim 1 and are also not anticipated.

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Independent Claim 36, directed to a computer-readable medium, recites features discussed above and is also not anticipated by Denison. Claims 37-52 depend from Claim 36 and are also not anticipated.

Independent Claim 53, directed to a data signal, parallels the features of Claim 36 and is also not anticipated by Denison. Claims 54-69 depend from Claim 53 and are also not anticipated.

Independent Claim 70 recites the steps of receiving evaluation data for an environment from at least one individual participating in the environment representing impressions regarding the environment and providing model data to an individual responsible for the environment where the model data represents one or more dimensions of the environment. As discussed above, Denison does not teach the step of receiving evaluation data representing impressions of an environment or providing model data representing dimensions of the environment. It is submitted, therefore, that Claim 70 is not anticipated by the Denison. Claims 71-75 depend from Claim 70 and are also not anticipated by Denison.

Reconsideration and withdrawal of the anticipation rejection of the Claims are respectfully requested.

F. Claims Rejection under 35 U.S.C. § 103

The Action rejects Claims 4 and 18 as being obvious from Denison in view of U.S. Patent No. 6,024,577 to Wadahama et al. Claims 4 and 18 depend from allowable Claim 1 and are, therefore, also allowable. Reconsideration and withdrawal of this rejection are respectfully requested.

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V. Conclusion

In view of the foregoing remarks and amendments, Applicants submit that this application is in condition for allowance at an early date, which action is earnestly solicited.

The Assistant Commissioner for Patents is hereby authorized to charge any additional fees or credit any excess payment that may be associated with this communication to deposit account **04-1769**.

Respectfully submitted,

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